



## MONTGOMERY COUNTY ETHICS COMMISSION

Kenita Barrow  
*Chair*

Mark L. Greenblatt  
*Vice Chair*

**July 24, 2015**

### **Waiver 15-07-009**

Pursuant to § 19A-13(b) of the Public Ethics Law, for one year after the effective date of termination from County employment, a former public employee must not enter into any employment understanding or arrangement with any person or business if the public employee significantly participated during the previous three years in regulating the person or business, or in any procurement or other contractual activity concerning a contract with the person or business, unless the Ethics Commission grants a waiver of the restriction.

Robert Palmer is a Senior Engineer in the Department of Environmental Protection (DEP). He requests a waiver of the prohibitions of § 19A-13(b) so that he may work for Rummel, Klepper & Kahl, LLP (RK&K) upon termination from his current County employment. In his prospective role at RK&K, Mr. Palmer assures the Commission that he will not be required to work on or be assigned to any DEP projects.

As a County employee with DEP, Mr. Palmer significantly participated in one of RK&K's task orders with the County; however, he had no involvement in the bidding process for the original contract under which the task order was awarded. Mr. Palmer's participation was limited to providing technical advice to the County's Project Manager for the contract. Mr. Palmer's main contribution was as one of several County employees tasked with technical review of stormwater management facility design elements related to the contract with RK&K.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-13(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-13(b), conditioned upon the requirement that Mr. Palmer will not work on any DEP projects for RK&K for two years from the date of his termination from his County employment. (While the DEP concurrence is contingent on a work restriction of undefined term on Mr. Palmer working on DEP projects, Robert Cobb, Counsel to the Commission confirmed by telephone conversation with Lisa Feldt,

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Director of DEP on July 23, 2015, that two years is an appropriate length for the restriction to be in place.)

In reaching this decision, the Commission has relied upon the facts as presented by Mr. Palmer.

For the Commission:



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Kenita V. Barrow, Chair